

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

LINDA FLINT EDGE,
Plaintiff,

v.

NORFOLK FINANCIAL CORPORATION
and DANIEL W. GOLDSTONE,
Defendants.

CIVIL ACTION NO. 04-12134 DPW

**DEFENDANTS' MOTION TO STRIKE ADDENDUM TO
DECLARATION OF YVONNE ROSMARIN AS TO ADDITIONAL TIME**

Plaintiff's counsel Yvonne Rosmarin has filed a document styled Addendum to Declaration of Yvonne W. Rosmarin as to Additional Time. The Addendum includes an attachment. Pursuant to Local Rule 7.1 and the inherent authority of this Court to regulate matters before it and rule on questions of evidence, the defendants move for an order striking the Addendum and attachment from the record. In support of this Motion, the defendants state as follows:

1. Plaintiff's counsel purports to file the Addendum without a motion or otherwise obtaining leave. This is improper.
 2. The Addendum includes an attachment that is offered for the truth of the matters that it asserts. As such it is hearsay that the Court should disregard.
 3. The attachment has no relevance to FDCPA cases generally, let alone this case.
- As plaintiff's counsel acknowledges, the attachment refers to certain fee rates for the District of Columbia -- not Massachusetts -- and to fee claims related to actions under federal civil rights

statutes, the Freedom of Information Act, and the Equal Access to Justice Act. It is irrelevant here.

4. The proposed attachment is irrelevant for the additional reason that it does not address the issue of an appropriate rate and an appropriate fee for an attorney who has achieved an objectively poor result for her client.

The proposed Addendum and attachment have been filed improperly, include hearsay, and are irrelevant. Accordingly, the defendants request that the Court strike them from the record.

NORFOLK FINANCIAL CORPORATION and
DANIEL W. GOLDSTONE

By their attorney,

/s/ John J. O'Connor
John J. O'Connor
BBO # 555251
PEABODY & ARNOLD LLP
30 Rowes Wharf
Boston, MA 02110
(617) 951-2100

Dated: July 1, 2005.

LOCAL RULE 7.1 CERTIFICATION

I, John J. O'Connor, hereby certify and attest that I communicated with the office of plaintiff's counsel Yvonne Rosmarin on July 1 in compliance with Local Rule 7.1.

/s/ John J. O'Connor
John J. O'Connor

617926